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10/617,083	07/10/2003	Pei-Yuan Lee	3507.2.11	3375
21552	7590	05/18/2007	EXAMINER	
<b>MADSON &amp; AUSTIN</b> GATEWAY TOWER WEST SUITE 900 15 WEST SOUTH TEMPLE SALT LAKE CITY, UT 84101				HAMILTON, ISAAC N
ART UNIT		PAPER NUMBER		
		3724		
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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/617,083  
Filing Date: July 10, 2003  
Appellant(s): LEE, PEI-YUAN

**MAILED**  
**MAY 18 2007**  
**Group 3700**

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Thomas M. Hardman  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 04/06/07 appealing from the Office action mailed 06/16/06.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

2,149,268	BRENNAN	3-1939
3,890,870	VAN CLEAVE	6-1975
4,466,322	MORI	8-1984

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

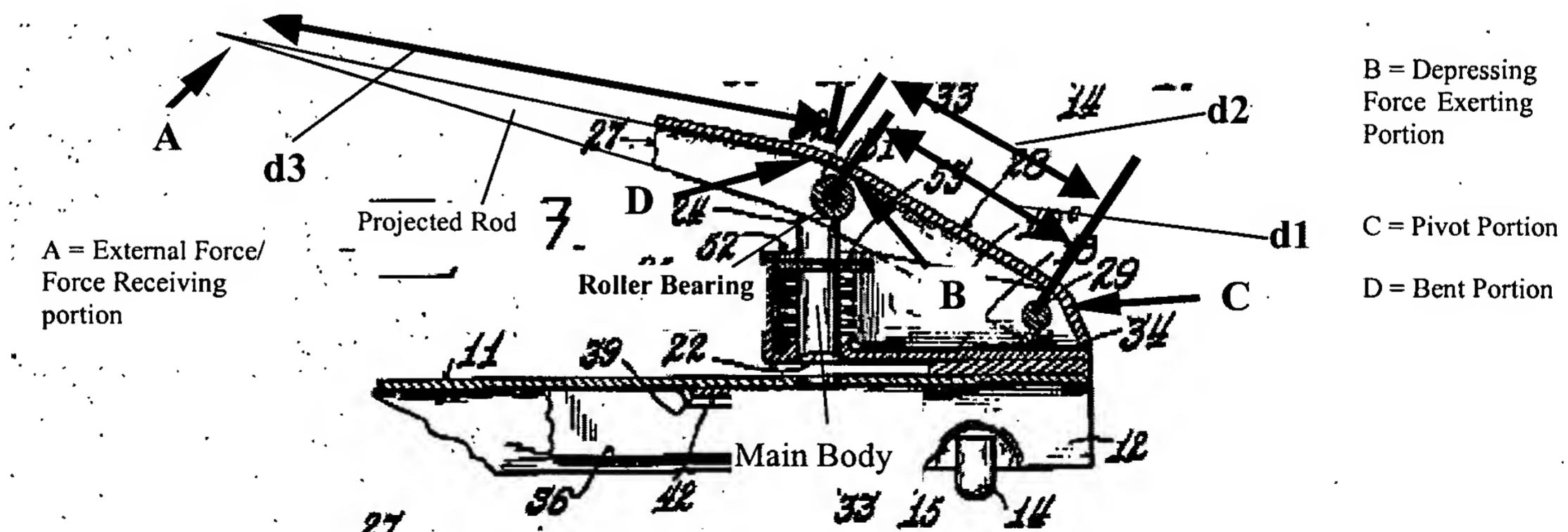
**Claims 16-18 and 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan (2,149,268) in view of Van Cleave (3,890,870), or alternatively, Mori (4,466,322).** Brennan discloses main body 24, 18, 11; roller bearing 32; non-linear levering rod 27, 28 in figure 8; force receiving portion 27; pivot portion adjacent element 29; bent portion slightly to the left of roller 32 along the levering rod as shown in figure 8; levering rod is linear between the pivot portion and the bent portion as shown in figure 8; levering rod is linear between the force receiving portion and the bent portion as shown in figure 8; rest state shown in figure 8; depressing force exerting portion 31; distance between the force-receiving portion and the bent portion is larger than the distance between the pivot portion and the bent portion as shown in the figures; roller bearing 32 rests on the main body when no external force is exerted on the force-receiving portion as shown in figure 8; bent portion has an angle from 145 degrees to 160 degrees as shown in figure 8.

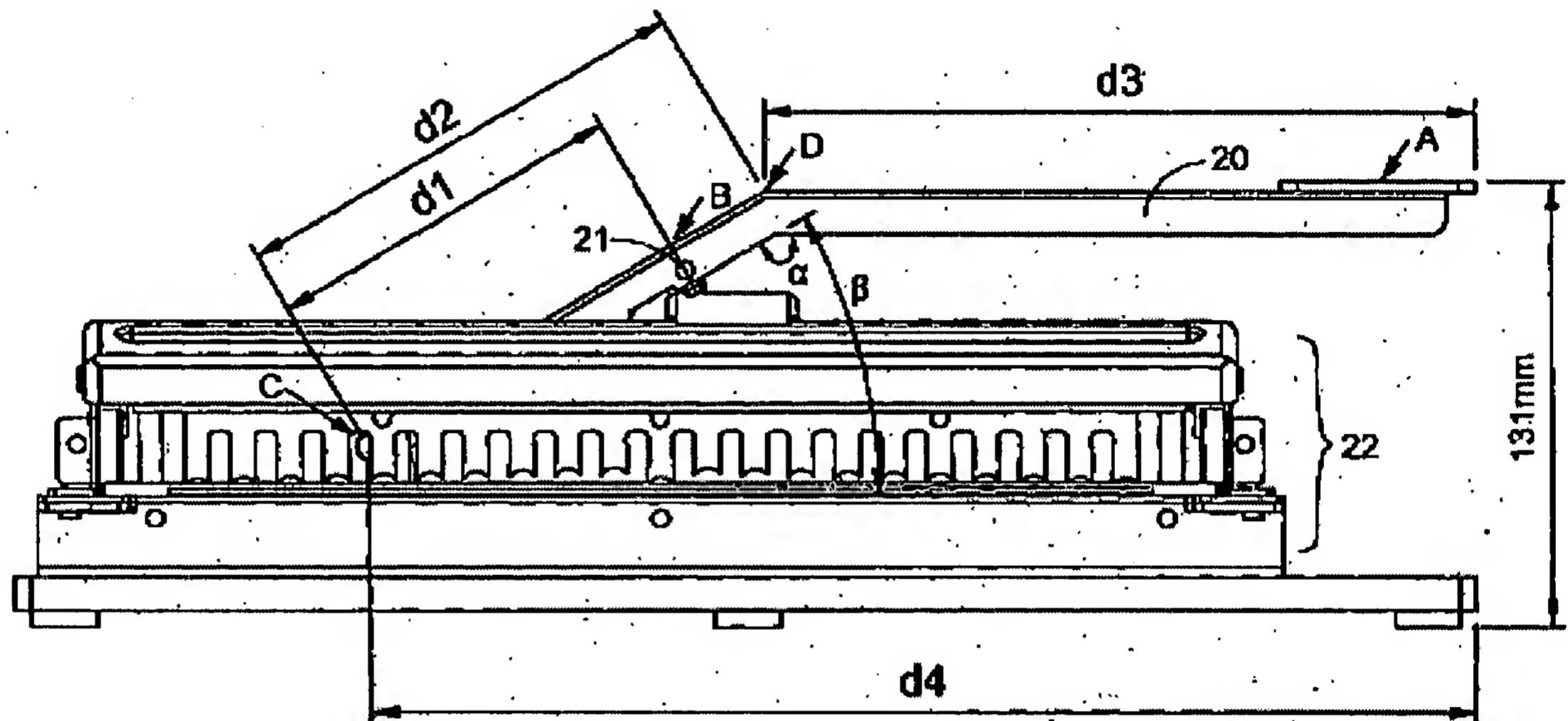
Brennan does not disclose the levering rod between the force receiving portion and the bent portion is kept at a substantially horizontal level in a rest state. However, Van Cleave discloses the levering rod between the force receiving portion and the bent portion is kept at a substantially horizontal level in a rest state in figure 1. It would have been obvious to provide the levering rod between the force receiving portion and the bent portion is kept at a substantially horizontal level in a rest state in Brennan as taught by Van Cleave in order to apply the external force to the force-receiving portion in the same direction as the movement of the punching force. See column 3, lines 12-23, in Van Cleave.

Alternatively, Mori teaches the levering rod between the force receiving portion and the bent portion is kept at a substantially horizontal level in figure 11. It would have been obvious to provide the levering rod between the force receiving portion and the bent portion is kept at a substantially horizontal level in Brennan as taught by Mori in order to make the punch compact. See column 4, lines 17-45, in Mori.

#### (10) Response to Argument

Appellant asserts that roller 32 of Brennan is coupled to the bent portion instead of being coupled to a depressing-force exerting portion, whereas claim 16, lines 13-14, and claim 22, lines 13-15, of the instant application define the depressing-force exerting portion is disposed between and and only between the pivot portion and the bent portion as recited in claim 16, lines 13-14, and claim 22, lines 13-15. Appellant further asserts that there exists a short rod between the bent portion D and the roller 21 in figure 2(a) of the instant application. In order to clearly demonstrate the Examiner's interpretation of Brennan, figure 8 of Brennan is labeled with the elements in question of claims 16 and 22 below.





**Fig.2(c)**

Diagram 2. Figure 2(c) of the instant application.

As shown in Diagrams 1 and 2 above, Brennan discloses that a depressing force exerting portion (B) is between and disposed only between the pivot portion (C) and the bent portion (D) and coupled to the roller bearing for transmitting the roller bearing to depress the main body while moving in response to the external force. It should be emphasized that the roller bearing 32 of Brennan is attached to the levering rod slightly to the right of the bent portion. Moreover, there exists a short rod between pivot portion (C) and bent portion (D) illustrated by d2 being greater than d1 in Diagram 1.

Appellant further asserts that the punching line is parallel to the non-linear rod in the instant application, and that Brennan has a punching line that is not parallel to the non-linear

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levering rod. The Examiner finds this assertion moot because there is no limitation in the claims defining punching lines.

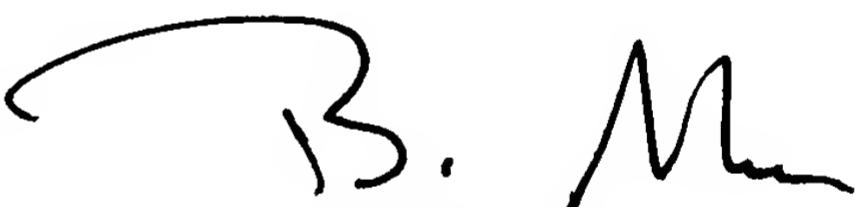
Appellant has not specifically pointed out any deficiency in the *prima facie* case of obviousness set forth by the Examiner in the combination of the teachings from Van Cleave, or alternatively Mori, with the disclosure of Brennan. Therefore, the Examiner believes that appellant finds the *prima facie* case of obviousness to be properly established.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

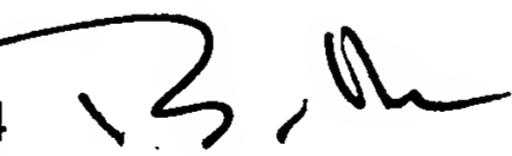
  
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